



Issuance Date: August 13, 2008
Effective Date: September 1, 2008
Expiration Date: June 30, 2013

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT NO. WA0040029**

State of Washington
DEPARTMENT OF ECOLOGY
Olympia, Washington 98504-7775

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1342 et seq.

TrueGuard, LLC
P.O. Box 227
Washougal, WA 98671

Facility Location:

725 South 32nd Street
Washougal, WA 98671

Receiving Water:

Outfall 001 & 002
Gibbons Creek Remnant Channel

Water Body I.D. No.:

1223093455675, Outfalls 001 & 002

Discharge Location:

Outfall 001: Latitude: 45° 34' 16" N
Longitude: 122° 20' 07" W

Outfall 002: Latitude: 45° 34' 15" N
Longitude: 122° 20' 23" W

Industry Type:

Wood Preserving

is authorized to discharge in accordance with the special and general conditions which follow.

Garin Schrieve, P.E.
Southwest Region Manager
Water Quality Program
Washington State Department of Ecology

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SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S3.A	Discharge Monitoring Report	Monthly	October 30, 2008
S3.E	Noncompliance Notification	As necessary	
S4.A	Operation and Maintenance Manual	1/permit cycle	January 31, 2013
S4.A	Treatment System Operating Plan	1/permit cycle	January 31, 2013
S4.B	Reporting Bypasses	As necessary	
S5.	Application for Permit Renewal	1/permit cycle	December 31, 2011
S7.	Engineering Report	1/permit cycle	February 28, 2011
S8	Compliance Schedule progress report	5/permit cycle	October 14, 2009
S8	Compliance Schedule final report	1/permit cycle	March 14, 2013
S9.	Spill Plan	1/permit cycle, updates submitted as necessary	December 31, 2008
S11.	Effluent Mixing Plan of Study	1/permit cycle	December 31, 2009
S11.	Effluent Mixing Report	1/permit cycle	February 28, 2011
S12.A	Stormwater Pollution Prevention Plan Modifications	As necessary	
S12.B.2	Notification of Unpermitted non-stormwater to <i>Stormwater Drainage System</i>	As necessary	
G1.	Notice of Change in Authorization	As necessary	
G4.	Permit Application for Substantive Changes to the Discharge	As necessary	
G5.	Engineering Report for Construction or Modification Activities	As necessary	
G8.	Notice of Permit Transfer	As necessary	
G21.	Reporting Anticipated Non-compliance	As necessary	
G22.	Reporting Other Information	As necessary	

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

In this permit the word “must” denotes an action that is mandatory and is equivalent to the word “shall” used in previous permits.

A. Process Wastewater Discharge

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee shall not discharge process wastewater.

Process wastewater is defined as all wastewater generated as a result of conditioning wood prior to or during the treatment process: any wastewater generated as a result of preservative formulation, recovery or generation; any wastewater generated as a result of process are cleaning operations including, but not limited to, wastewater from the drip pad, retort and tank farm maintenance operations; and any stormwater associated with the process area including the tank farm, retort, drip pad and any area that treated product is moved across prior to its having ceased dripping.

B. Stormwater Discharges from the Treated and Untreated Product Storage Areas

All discharges and activities authorized by this permit must be consistent with the terms and conditions of this permit.

The discharge of any of the following pollutants more frequently than, or at a level in excess of that identified and authorized by this permit is a violation of the terms and conditions of this permit.

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee is authorized to discharge stormwater at the permitted location subject to complying with the following limitations:

EFFLUENT LIMITATIONS: OUTFALL # 001 (discharge from the treated wood storage area)		
Parameter	Units	Maximum Daily ¹
Oil and Grease (O&G)	Milligrams per liter (mg/L)	10
Total Suspended Solids (TSS)	mg/L	50
Arsenic, total	Micrograms per liter (µg/L)	170
Chromium, hexavalent	µg/L	48 (interim limit) ²
Chromium, total	µg/L	300
Copper, total	µg/L	160 (interim limit) ²
pH	Daily minimum is equal to or greater than 6.0 and the daily maximum is less than or equal to 9.0.	
¹ The maximum daily effluent limitation is defined as the highest allowable daily discharge. The		

EFFLUENT LIMITATIONS: OUTFALL # 001 (discharge from the treated wood storage area)		
Parameter	Units	Maximum Daily¹
daily discharge means the discharge of a pollutant measured during a calendar day. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For other units of measurement, the daily discharge is the average measurement of the pollutant over the day. The pH must not be averaged.		
² The final limits will be established for the next permitting cycle, starting July 1, 2013, after the effluent mixing study is completed.		

EFFLUENT LIMITATIONS: OUTFALL # 002 (discharge from the untreated wood storage area)		
Parameter	Units	Maximum Daily ¹
Oil and Grease (O&G)	mg/L	10
Total Suspended Solids (TSS)	mg/L	50
Arsenic, total	µg/L	260
Chromium, hexavalent	µg/L	22 (interim limit) ²
Chromium, total	µg/L	130
Copper, total	µg/L	160 (interim limit) ²
pH	Daily minimum is equal to or greater than 6.0 and the daily maximum is less than or equal to 9.0	
¹ The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For other units of measurement, the daily discharge is the average measurement of the pollutant over the day. The pH must not be averaged.		
² The final limits will be established for the next permitting cycle, starting July 1, 2013, after the effluent mixing study is completed.		

C. Mixing Zone Descriptions

The maximum zones may be authorized by this permit after a mixing zone studies are completed and approved by the Department of Ecology (Ecology).

S2. MONITORING REQUIREMENTS

The Permittee must monitor in accordance with the following schedule:

A. Monitoring Schedule

Category	Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Influent	pH	SU	Outfall 001	Monthly	Grab
Influent	O&G	mg/L	Outfall 001	Monthly	Grab
Influent	TSS	mg/L	Outfall 001	Monthly	Grab
Influent	Copper	µg/L	Outfall 001	Monthly	Grab
Effluent	pH	SU	Outfall 001	Monthly	Grab
Effluent	O&G	mg/L	Outfall 001	Monthly	Grab
Effluent	TSS	mg/L	Outfall 001	Monthly	Grab
Effluent	Arsenic, total	µg/L	Outfall 001	Monthly	Grab
Effluent	Chromium, hexavalent	µg/L	Outfall 001	Monthly	Grab
Effluent	Chromium, total	µg/L	Outfall 001	Monthly	Grab
Effluent	Copper, total	µg/L	Outfall 001	Monthly	Grab
Effluent	Flow	gpd	Outfall 001	Continuous ^a	Metered
Effluent	Ammonia	mg/L	Outfall 001	Monthly	Grab
Effluent	pH		Outfall 002	Monthly	Grab
Effluent	O&G	mg/L	Outfall 002	Monthly	Grab
Effluent	TSS	mg/L	Outfall 002	Monthly	Grab
Effluent	Arsenic, total	µg/L	Outfall 002	Monthly	Grab
Effluent	Chromium, hexavalent	µg/L	Outfall 002	Monthly	Grab
Effluent	Chromium, total	µg/L	Outfall 002	Monthly	Grab
Effluent	Copper, total	µg/L	Outfall 002	Monthly	Grab
Effluent	Ammonia	mg/L	Outfall 002	Monthly	Grab
^a Continuous means uninterrupted - except for brief lengths of time for calibration, power failure, or for unanticipated equipment repair or maintenance. Flow must be approximated daily when continuous monitoring is not possible.					

B. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit must be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit must conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 Code of Federal Regulations (CFR) Part 136.

C. Flow Measurement

The Permittee must select and use appropriate flow measurement devices and methods consistent with accepted scientific practices. The Permittee must install, calibrate, and maintain the flow devices. This work is necessary to ensure that the accuracy of the measurements are consistent with the accepted industry standard and the manufacturers recommendation for that type of device. The Permittee must maintain calibration records for at least three years.

D. Laboratory Accreditation

All monitoring data required by Ecology must be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 Washington Administrative Code (WAC). Flow, temperature, settleable solids, conductivity, pH, turbidity, and internal process control parameters are exempt from this requirement. Conductivity and pH must be accredited if the laboratory must otherwise be registered or accredited. Ecology exempts crops, soils, and hazardous waste data from this requirement pending accreditation of laboratories for analysis of these media.

S3. REPORTING AND RECORDKEEPING REQUIREMENTS

The Permittee must monitor and report in accordance with the following conditions. The falsification of information submitted to Ecology is a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on the effective date of the permit. Monitoring results must be submitted monthly. Monitoring data obtained during each monitoring period must be summarized, reported, and submitted on a Discharge Monitoring Report (DMR) form provided, or otherwise approved, by Ecology. DMR forms must be postmarked or received no later than the 30th day of the month following the completed monitoring period, unless otherwise specified in this permit. The report(s) must be sent to:

Industrial Unit Permit Coordinator
Department of Ecology
Southwest Regional Office
P.O. Box 47775
Olympia, WA 98504-7775

All laboratory reports providing data for organic and metal parameters must include the following information: sampling date, sample location, date of analysis, parameter name, CAS number, analytical method/ number, method detection limit (MDL), laboratory practical quantitation limit (PQL), reporting units, and concentration detected. Analytical results from samples sent to a contract laboratory must have information on the chain of custody, the analytical method, QA/QC results, and documentation of accreditation for the parameter.

Discharge Monitoring Report forms must be submitted monthly whether or not the facility was discharging. If there was no discharge during a given monitoring period, submit the form as required with the words "no discharge" entered in place of the monitoring results.

B. Records Retention

The Permittee must retain records of all monitoring information for a minimum of three years. Such information must include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention must be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee must record the following information:

1. The date, exact place, method, and time of sampling or measurement;
2. The individual who performed the sampling or measurement;
3. The dates the analyses were performed;
4. The individual who performed the analyses;
5. The analytical techniques or methods used; and
6. The results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2 of this permit, then the results of this monitoring must be included in the calculation and reporting of the data submitted in the Permittee's DMR.

E. Notice of Noncompliance Reporting

The Permittee must take the following action upon violation of any permit condition:

Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the noncompliance and correct the problem and, if applicable, immediately repeat sampling and analysis. The results of any repeat sampling must be submitted to Ecology within 30 days of sampling.

1. Immediate Noncompliance Notification

Any discharge of untreated wastewater must be reported immediately to the Department of Ecology's Southwest Regional Office 24-hour number 360-407-6300.

2. Twenty four hour Noncompliance Notification

The Permittee must report the following occurrences of noncompliance by telephone, to Ecology at 360-407-6300, within 24 hours from the time the Permittee becomes aware of any of the following circumstances:

- a. Any noncompliance that may endanger health or the environment, unless previously reported under subpart 1. above,
- b. Any unanticipated **bypass** that exceeds any effluent limitation in the permit (See Part S4.B., "Bypass Procedures");
- c. Any **upset** that exceeds any effluent limitation in the permit (See G.15, "Upset");
- d. Any violation of a maximum daily or instantaneous maximum discharge limitation for any of the pollutants in Section S1.A. of this permit; or
- e. Any overflow prior to the treatment works, whether or not such overflow endangers health or the environment or exceeds any effluent limitation in the permit.

3. Report Within Five Days

The Permittee must also provide a written submission within five days of the time that the Permittee becomes aware of any event required to be reported under subparts 1 or 2, above. The written submission must contain:

- a. A description of the noncompliance and its cause;
- b. The period of noncompliance, including exact dates and times;
- c. The estimated time noncompliance is expected to continue if it has not been corrected;
- d. Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance; and

- e. If the non compliance involves an overflow prior to the treatment works, an estimate of the quantity (in gallons) of untreated overflow.

4. Waiver of Written Reports

Ecology may waive the written report required in subpart 3 above on a case-by-case basis upon request if a timely oral report has been received.

5. Report Submittal

Reports must be submitted to the address in section S3.A ("Reporting").

F. Other Noncompliance Reporting

The Permittee must report all instances of noncompliance, not required to be reported immediately or within 24 hours, at the time that monitoring reports for S3.A ("Reporting") are submitted. The reports must contain the information listed in paragraph E.3 above. Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

The spill of oil or hazardous materials **must** be reported in accordance with the instructions obtained at the following website:

<http://www.ecy.wa.gov/programs/spills/other/reportaspill.htm>

G. Maintaining a Copy of This Permit

A copy of this permit must be kept at the permitted facility and be made available upon request to Ecology inspectors.

S4. OPERATION AND MAINTENANCE

The Permittee must, at all times, properly operate and maintain all facilities or systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

A. Operation and Maintenance Manual

An Operation and Maintenance (O&M) Manual must be prepared by the Permittee in accordance with WAC 173-240-150 and be submitted to Ecology for approval by **January 31, 2013**.

The approved O&M Manual must be kept available at the permitted facility and all operators must follow the instructions and procedures of this manual.

In addition to the requirements of WAC 173-240-150(1) and (2), the O&M Manual must include:

1. Emergency procedures for plant shutdown and cleanup in event of wastewater system upset or failure.
2. Wastewater system maintenance procedures that contribute to the generation of process wastewater
3. Any directions to maintenance staff when cleaning, or maintaining other equipment or performing other tasks which are necessary to protect the operation of the wastewater system (e.g. defining maximum allowable discharge rate for draining a tank, blocking all floor drains before beginning the overhaul of a stationary engine.)
4. The treatment plant process control monitoring schedule.

The following information must be summarized in the initial chapter of the O&M Manual. This chapter must be entitled the "Treatment System Operating Plan." For the purposes of this National Pollutant Discharge Elimination System (NPDES) permit, a Treatment System Operating Plan (TSOP) is a concise summary of specifically defined elements of the O&M Manual. The TSOP must not conflict with the O&M Manual and must include the following information:

1. A baseline operating condition, which describes the operating parameters and procedures, used to meet the effluent limitations of S1 at the production levels used in developing these limitations.
2. In the event of stormwater flows, which are above the baseline levels used to establish these limitations, the plan must describe the operating procedures and conditions needed to maintain design treatment efficiency. The monitoring and reporting must be described in the plan.
3. In the event of an upset, due to plant maintenance activities, severe stormwater events, start ups or shut downs, or other causes, the plan must describe the operating procedures and conditions employed to mitigate the upset. The monitoring and reporting must be described in the plan.
4. A description of any regularly scheduled maintenance or repair activities at the facility which would affect the volume or character of the wastes discharged to the wastewater treatment system and a plan for monitoring and treating/controlling the discharge of maintenance-related materials (such as cleaners, degreasers, solvents, etc.).

B. Bypass Procedures

Bypass, which is the intentional diversion of waste streams from any portion of a treatment facility, is prohibited, and Ecology may take enforcement action against a Permittee for bypass unless one of the following circumstances (1, 2, or 3) is applicable.

1. Bypass for Essential Maintenance without the Potential to Cause Violation of Permit Limits or Conditions.

Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of this permit, or adversely impact public health as determined by Ecology prior to the bypass. The Permittee must submit prior notice, if possible, at least 10 days before the date of the bypass.

2. Bypass Which is Unavoidable, Unanticipated, and Results in Noncompliance of this Permit.

This bypass is permitted only if:

- a. Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.
- b. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment downtime (but not if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance), or transport of untreated wastes to another treatment facility.
- c. Ecology is properly notified of the bypass as required in condition S3E of this permit.

3. Bypass which is Anticipated and has the Potential to Result in Noncompliance of this Permit.

The Permittee must notify Ecology at least 30 days before the planned date of bypass. The notice must contain (1) a description of the bypass and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each alternative; (5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of bypass initiation; (7) a statement of compliance with State Environmental Policy Act (SEPA); (8) a request for modification of water quality standards as provided for in WAC 173-201A-410, if an exceedance of any water quality standard is anticipated; and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above must be considered during preparation of the engineering report or facilities plan and plans and specifications and must be included to the extent practical. In cases

where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

Ecology will consider the following prior to issuing an administrative order for this type bypass:

- a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit.
- b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
- c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, Ecology will approve or deny the request. The public must be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by Ecology under Revised Code of Washington (RCW) 90.48.120.

C. Duty to Mitigate

The Permittee is required to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

S5. APPLICATION FOR PERMIT RENEWAL

The Permittee must submit an application for renewal of this permit by **December 31, 2011**.

S6. SOLID WASTE DISPOSAL

A. Solid Waste Handling

The Permittee must handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

B. Leachate

The Permittee must not allow leachate from its solid waste material to enter state waters without providing all known, available and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee must apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

S7. ENGINEERING REPORT

No later than **February 28, 2011**, two copies of an approvable engineering report must be prepared by the Permittee in accordance with WAC 173-240 and submitted to Ecology for review and approval. The engineering report must include a list of all best management practices (BMPs) maintained at the facility.

S8. COMPLIANCE SCHEDULE

The following is a schedule to comply with AKART and water quality criteria:

Preliminary investigation of alternatives, negotiations, and alternative selection.	September 30, 2009 (progress report by October 14, 2009)
Effluent mixing plan of study including coordination with potential partners, S11.	December 31, 2009
Effluent mixing progress report, S11.	December 31, 2010
Effluent mixing report and engineering report including field verification of model, S7 & S11.	February 28, 2011
Design of treatment, piping, pumping, and outfall components.	May 31, 2011 (progress report by June 14, 2011)
Permitting including potential permits from Washington Department of Natural Resources lease, US Corps of Engineers, Ecology, Fish and Wildlife.	May 31, 2012 (progress report by June 14, 2012)
Bid and award.	June 30, 2012 (progress report by July 14, 2012)
Construction.	December 31, 2012 (progress report by January 14, 2013)
Operation and Maintenance Manual and Treatment System Operating Plan, S4.A.	January 31, 2013
Startup.	February 28, 2013 (final report by March 14, 2013)

Reporting: No later than 14 days following each interim date and the final date of compliance, the Permittee must notify Ecology in writing of its compliance or noncompliance with the interim or final requirements.

S9. SPILL PLAN

The Permittee must by **December 31, 2008**, submit to Ecology an update to the existing Spill Control Plan.

The updated spill control plan must include the following:

- A description of the reporting system which will be used to alert responsible managers and legal authorities in the event of a spill.
- A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials.
- A list of all oil and chemicals used, processed, or stored at the facility which may be spilled into state waters.

For the purpose of meeting this requirement, plans and manuals, or portions thereof, required by 33 CFR 154, 40 CFR 109, 40 CFR 110, 40 CFR Part 112, the Federal Oil Pollution Act of 1990, Chapter 173-181, and contingency plans required by Chapter 173-303 WAC may be submitted.

S10. BEST MANAGEMENT PRACTICES

The Permittee must maintain the following best management practices (BMPs):

- Material handling equipment coming into contact with the drip pad stays on the drip pad unless triple rinsed.
- “Shed wrap” or completely wrap treated units of lumber to minimize exposure of treated lumber to the environment.
- Maintain catch basins at least monthly to reduce exposure of runoff to contaminated sediments.
- Treat lumber in accordance with process practices that increases the fixing of the treating chemicals in the wood and reduces potential contamination of storm water.
- Sweep the facility at least weekly to remove potential contaminated particles from the pavement.
- Separate treated and untreated lumber as follows:
 - Store treated lumber in a catch basin that discharges via the treatment system and Outfall 001
 - Store untreated lumber in a catch basin that discharges via Outfall 002
 - Separate the catch basins with visible 12-inch painted lines

TrueGuard is required to maintain a log of the catch basin maintenance and facility sweeping.

S11. EFFLUENT MIXING STUDY

A. General Requirements

The Permittee must determine the degree of effluent and receiving water mixing which occurs within the mixing zone (as defined in permit condition S1.B). The Permittee may include mixing which occurs within the stormwater sewer as well. The degree of mixing must be determined during critical conditions, as defined in WAC 173-201A-020 Definitions-“Critical Condition,” or as close to critical conditions as reasonably possible.

The critical condition scenarios must be established in accordance with *Guidance for Conducting Mixing Zone Analyses* (Ecology, 1996). The dilution ratio must be measured in the field with dye using study protocols specified in the *Guidance*, section 6.0 “Conducting a Dye Study,” as well as other protocols listed in subpart C Protocols. The use of mixing models is an acceptable alternative or adjunct to a dye study if the critical ambient conditions necessary for model input are known or will be established with field studies; and if the diffuser is visually inspected for integrity or has been recently tested for performance by the use of tracers. The *Guidance* mentioned above must be consulted when choosing the appropriate model. The use of mixing models is also an acceptable alternative to a dye study when the outfall does not currently exist and therefore field verification through dye studies or other methods are not feasible. The use of models is also required if critical condition scenarios that need to be examined are quite different from the set of conditions present during the dye study.

Validation (and possibly calibration) of a model may be necessary and must be done in accordance with the *Guidance* mentioned above - in particular subsection 6.2 “Quantify Dilution.” The resultant dilution ratios for acute and chronic boundaries must be applied in accordance with directions found in Ecology’s *Permit Writer’s Manual* (Ecology publication 92-109, most current version) - in particular Chapter VI.

A Plan of Study must be submitted to Ecology for review 30 days prior to initiation of the effluent mixing study but not later than on **December 31, 2009**.

B. Reporting Requirements

If the Permittee has information on the background physical conditions or background concentration of chemical substances (for which there are criteria in Chapter 173-201A WAC) in the receiving water, this information must be submitted to Ecology as part of the Effluent Mixing Report.

The results of the effluent mixing study must be included in the Effluent Mixing Report, which must be submitted to Ecology for approval no later than **February 28, 2011**.

If the results of the mixing study, toxicity tests, and chemical analysis indicate that the concentration of any pollutant(s) exceeds or has a reasonable potential to exceed the State Water Quality Standards, Chapter 173-201A WAC, Ecology may issue a regulatory order to require a reduction of pollutants or modify this permit to impose effluent limitations to meet the Water Quality Standards.

The Permittee must use some method of fixing and reporting the location of the outfall and mixing zone boundaries [i.e. Global Positioning System (GPS) coordinates]. The method and accuracy of fixing station location and the actual station locations must be identified in the report.

C. Protocols

The Permittee must determine the dilution ratio using protocols outlined in the following references, approved modifications thereof, or by another method approved by Ecology:

-Akar, P.J. and G.H. Jirka, *Cormix2: An Expert System for Hydrodynamic Mixing Zone Analysis of Conventional and Toxic Multiport Diffuser Discharges*, USEPA Environmental Research Laboratory, Athens, GA, Draft, July 1990.

-Baumgartner, D.J., W.E. Frick, P.J.W. Roberts, and C.A. Bodeen, *Dilution Models for Effluent Discharges*, USEPA, Pacific Ecosystems Branch, Newport, OR, 1993.

-Doneker, R.L. and G.H. Jirka, *Cormix1: An Expert System for Hydrodynamic Mixing Zone Analysis of Conventional and Toxic Submerged Single Port Discharges*, USEPA, Environmental Research Laboratory, Athens, GA. EPA/600-3-90/012, 1990.

-Ecology, *Permit Writer's Manual*, Water Quality Program, Department of Ecology, Olympia WA 98504, July 1994, including most current addenda.

-Ecology, *Guidance for Conducting Mixing Zone Analyses*, Permit Writer's Manual, (Appendix 6.1), Water Quality Program, Department of Ecology, Olympia WA 98504, October, 2002.

-Kilpatrick, F.A., and E.D. Cobb, Measurement of Discharge Using Tracers, Chapter A16, *Techniques of Water-Resources Investigations of the USGS, Book 3, Application of Hydraulics*, USGS, U.S. Department of the Interior, Reston, VA, 1985.

-Wilson, J.F., E.D. Cobb, and F.A. Kilpatrick, Fluorometric Procedures for Dye Tracing, Chapter A12, *Techniques of Water-Resources Investigations of the USGS, Book 3, Application of Hydraulics*, USGS, U.S. Department of the Interior. Reston, VA, 1986.

S12. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

The definitions of terms used in this section are provided in the guidance document entitled *Guidance Manual for Preparing/Updating a Stormwater Pollution Prevention Plan for Industrial Facilities* which is published by the Department of Ecology and available on Ecology's website at <http://www.ecy.wa.gov/biblio/0410030.html>.

A. Modification of the Stormwater Pollution Prevention Plan

The Permittee must modify the Stormwater Pollution Prevention Plan (SWPPP) whenever there is a change in design, construction, operation or maintenance, which causes the SWPPP to be less effective in controlling the pollutants. Whenever the description of potential pollutant sources or the pollution prevention measures and controls identified in the SWPPP are inadequate, the SWPPP must be modified, as appropriate, within two months of such determination. The proposed modifications to the SWPPP must be submitted to Ecology at least 30 days in advance of implementing the proposed changes in the plan unless Ecology approves immediate implementation. The Permittee must provide for implementation of any modifications to the SWPPP in a timely manner.

B. Monitoring

The Permittee must conduct two inspections per year - one during the wet season (October 1 – April 30) and the other during the dry season (May 1 – September 30).

1. The wet season inspection must be conducted during a rainfall event by personnel named in the SWPPP to verify that the description of potential pollutant sources required under this permit are accurate; the site map as required in the SWPPP has been updated or otherwise modified to reflect current conditions; and the controls to reduce pollutants in stormwater discharges associated with industrial activity identified in the SWPPP are being implemented and are adequate. The wet weather inspection must include observations of the presence of floating materials, suspended solids, oil and grease, discolorations, turbidity, odor, etc. in the stormwater discharge(s).
2. Personnel named in the SWPPP must conduct the dry season inspection. The dry season inspection must determine the presence of unpermitted non-stormwater discharges such as domestic wastewater, noncontact cooling water, or process wastewater (including *leachate*) to the *stormwater drainage system*. If an unpermitted, non-stormwater discharge is discovered, the Permittee must immediately notify Ecology.

C. Plan Evaluation

The Permittee must evaluate whether measures to reduce pollutant loadings identified in the SWPPP are adequate and properly implemented in accordance with the terms of the permit or whether additional controls are needed. A record must be maintained summarizing the results of inspections and include a certification, in accordance with Condition S3.I, that the facility is in compliance with the plan and in compliance with this permit. The record must identifying any incidents of noncompliance.

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

- A. All applications, reports, or information submitted to Ecology must be signed and certified.

1. In the case of corporations, by a responsible corporate officer.

For the purpose of this section, a responsible corporate officer means: (a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision making functions for the corporation, or (b) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. In the case of a partnership, by a general partner.
3. In the case of sole proprietorship, by the proprietor.
4. In the case of a municipal, state, or other public facility, by either a principal executive officer or ranking elected official.

Applications for permits for domestic wastewater facilities that are either owned or operated by, or under contract to, a public entity shall be submitted by the public entity

- B. All reports required by this permit and other information requested by Ecology must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

1. The authorization is made in writing by a person described above and submitted to Ecology.
2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

- C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2

above must be submitted to Ecology prior to or together with any reports, information, or applications to be signed by an authorized representative.

- D. Certification. Any person signing a document under this section must make the following certification:

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

G2. RIGHT OF INSPECTION AND ENTRY

The Permittee must allow an authorized representative of Ecology, upon the presentation of credentials and such other documents as may be required by law:

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.
- B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.
- C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.
- D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

G3. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the Permittee) or upon Ecology's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

- A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:
 - 1. Violation of any permit term or condition.
 - 2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.

3. A material change in quantity or type of waste disposal.
 4. A determination that the permitted activity endangers human health or the environment or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR Part 122.64(3)].
 5. A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR Part 122.64(4)].
 6. Nonpayment of fees assessed pursuant to RCW 90.48.465.
 7. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090.
- B. The following are causes for modification but not revocation and reissuance except when the Permittee requests or agrees:
1. A material change in the condition of the waters of the state.
 2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.
 3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.
 4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.
 5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR Part 122.62.
 6. Ecology has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.
 7. Incorporation of an approved local pretreatment program into a municipality's permit.
- C. The following are causes for modification or alternatively revocation and reissuance:
1. Cause exists for termination for reasons listed in A1 through A7, of this section, and Ecology determines that modification or revocation and reissuance is appropriate.
 2. Ecology has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new Permittee.

G4. REPORTING PLANNED CHANGES

The Permittee must, as soon as possible, but no later than 60 days prior to the proposed changes, give notice to Ecology of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in: 1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); 2) a significant change in the nature or an increase in quantity of pollutants discharged; or 3) a significant change in the Permittee's sludge use or disposal practices. Following such notice, and the submittal of a new application or supplement to the existing application, along with required engineering plans and reports, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications must be submitted to Ecology for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications must be submitted at least 180 days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities must be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in this permit must be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G7. TRANSFER OF THIS PERMIT

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee must notify the succeeding owner or controller of the existence of this permit by letter, a copy of which must be forwarded to Ecology.

A. Transfers by Modification

Except as provided in paragraph B below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

B. Automatic Transfers

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies Ecology at least 30 days in advance of the proposed transfer date.
2. The notice includes a written agreement between the existing and new Permittee's containing a specific date transfer of permit responsibility, coverage,

and liability between them.

3. Ecology does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under the subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

G8. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, must control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G9. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters must not be re-suspended or reintroduced to the final effluent stream for discharge to state waters.

G10. DUTY TO PROVIDE INFORMATION

The Permittee must submit to Ecology, within a reasonable time, all information which Ecology may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee must also submit to Ecology upon request, copies of records required to be kept by this permit.

G11. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G12. ADDITIONAL MONITORING

Ecology may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G13. PAYMENT OF FEES

The Permittee must submit payment of fees associated with this permit as assessed by Ecology.

G14. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit is deemed guilty of a crime, and upon conviction thereof will be punished by a fine of up to \$10,000 and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs is a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit must incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to \$10,000 for every such violation. Each and every such violation is a separate and distinct offense, and in case of a continuing violation, every day's continuance is deemed to be a separate and distinct violation.

G15. UPSET

Definition – “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that: 1) an upset occurred and that the Permittee can identify the cause(s) of the upset; 2) the permitted facility was being properly operated at the time of the upset; 3) the Permittee submitted notice of the upset as required in condition S3.E; and 4) the Permittee complied with any remedial measures required under S4.C of this permit.

In any enforcement proceedings the Permittee seeking to establish the occurrence of an upset has the burden of proof.

G16. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

G17. DUTY TO COMPLY

The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

G18. TOXIC POLLUTANTS

The Permittee must comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G19. PENALTIES FOR TAMPERING

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit will, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is

for a violation committed after a first conviction of such person under this Condition, punishment will be a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or by both.

G20. REPORTING ANTICIPATED NON-COMPLIANCE

The Permittee must give advance notice to Ecology by submission of a new application or supplement thereto at least 180 days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions.

Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, must be scheduled during non-critical water quality periods and carried out in a manner approved by Ecology.

G21. REPORTING OTHER INFORMATION

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to Ecology, such facts or information must be submitted promptly.

G22. REPORTING REQUIREMENTS APPLICABLE TO EXISTING MANUFACTURING, COMMERCIAL, MINING, AND SILVICULTURAL DISCHARGERS

The Permittee belonging to the categories of existing manufacturing, commercial, mining, or silviculture must notify Ecology as soon as they know or have reason to believe:

- A. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels:"
 - 1. One hundred micrograms per liter (100 µg/L).
 - 2. Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony.
 - 3. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
 - 4. The level established by the Director in accordance with 40 CFR 122.44(f).
- B. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels:"
 - 1. Five hundred micrograms per liter (500µg/L).
 - 2. One milligram per liter (1 mg/L) for antimony.

3. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
4. The level established by the Director in accordance with 40 CFR 122.44(f).

G23. COMPLIANCE SCHEDULES

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date.